

### **REMARKS**

In response to the office action dated April 21, 2008 Applicant has amended claims 9, 12, 13 and 15 to more clearly define the present invention and remove the section 112 objections to place the claims in better condition for allowance. Further, Claims 2-7, 9-11, 13-15 have been amended to begin with the word "The" as required of dependent claims; claims 1, 5, 8-11, 15 and 16 have been amended to remove the term "or similar" and replace it with terms that are more definite; no new matter has been added; claims 5 and 15 have been amended to remove the multiply multiple dependent nature of the claims; accordingly claims 5-7 and 15-16 should now be at best singularly multiple-dependent, and therefore acceptable for examination. Applicant has made every effort to amend the claims to remove any Section 112 objections. Applicant believes that the claims, as amended, are now in condition for allowance.

The Office Action has rejected claims 1-4, 8 and 10-12 under 35 U.S.C. Section 102(b) as being anticipated by Zachary (U.S. Patent No. 5,590,794). Applicant traverses this rejection and notes that Zachary does not describe or suggest the features as presently claimed in each of the independent claims 1, 8 and 12 (and therefore in the claims dependent thereon). In particular, Zachary does not describe a shelf that is adapted to be engaged with the frame members of the stand along a single side of the shelf. The shelving in the Zachary disclosure is created by a number of tubing pieces, which are interconnected at various points on opposing ends of the tubing in order to create the shelving. None of the described shelving elements, which form part of the shelving described in Zachary, are connected to the upright members of the shelf such that the shelf is engaged with the frame members along a single side of the shelf.

Further, Zachary does not describe shelves that can be engaged with and disengaged from the upright frame members along a plane lying substantially perpendicular to the length of the upright frame members. Zachary merely shows tubing that forms part of the stand upon which the box 59 or module B can rest. It is a combination of various pieces of tubing, including upright members, that form a 'shelf' as

described in Zachary, and as such, the shelves described are fixed in position and not able to be disengaged from upright frame members as the upright frame members are part of the shelves.

Further, any disengagement of a shelf would result in various pieces of tubing including upright members and horizontal tube pieces being removed in various different planes from various different elements and as such could not engage and disengage shelves from upright members along a plane lying substantially perpendicular to the length of the upright frame members. Therefore, Zachary, in effect, teaches away from the present invention.

The Office Action has rejected claims 12-13 under 35 USC Section 102(e) as being anticipated by Alexiou (US Patent No. 6,688,238). Applicant appreciates the caution given by the Office Action with respect to the language of the claims; as a result, Applicant has amended the claims to more clearly define the invention and so as to differentiate from the teachings of Alexiou. Again, as noted above the shelving is attachable along a single side, which is not shown in Alexiou. The brackets described in claims 12 and 13, and the manner of their use in the present invention, as now claimed are, are diametrically different than that shown in Alexiou. Alexiou, further, deals with a shelving unit within a wet or water environment, where a more simplistic and permanent attachment to the support portion 12 is required to keep bottles and such from falling; persons having skill in the art would not look to Alexiou for a mail holding unit. Further, the bracket of the present device, having a means to be attached from one side and having an entry passage into which the support is engaged and the shelf manipulated to secure the shelf is differentiated in the amended claims; the weight of the shelf and the manipulation of the shelf to set it in place being part of the process of holding the shelf in place. The engagement bracket further allows for the quick adjustment of the shelf to a different position by tilting the shelf, raising or lowering it, and then allowing the bracket design and shelf weight to secure the shelf in position. Alexiou does not show this;

instead it shows a simple snap together shelf for which there is no access from the sides when in operating position in a shower.

The Office Action has rejected claim 14 under 35 USC Section 103(a) as being unpatentable over Alexiou in view of Dohnalik (US Patent No. 5,644,993). As noted above, the claims of the present invention, as amended, are not made obvious by Alexiou, the addition of the teachings of Dohnalik, which shows a pin to hole friction fit of shelves, does not provide the missing elements that would lead any person having ordinary skill in the art to the invention of the present application.

None of the prior art of record disclose the features of a shelf that is adapted to be engaged with the frame members of a stand along a single side of the shelf and which can be engaged with and disengaged from the upright frame members along a plane lying substantially perpendicular to the length of the upright frame members.

Various features of the present invention provide advantages over the prior art in that the shelf can be engaged and disengaged with ease from the stand as well as being able to provide access to the shelf around the three sides of the shelf that are not in engagement with the stand. Further, the present invention provides significant advantages over existing shelving systems in that the easy disengagement and engagement of the shelving enables the configuration of the shelving to be changed quickly and with minimal fuss to allow for different shelving purposes, for example, different postal sorting configurations.

Applicant hereby respectfully requests the withdrawal of the rejections of the Office Action and continued prosecution, reconsideration and reexamination. A sincere effort has been made to overcome the Office Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

Applicant encloses a petition for a one month extension of time to file the present response; the Commissioner is authorized to charge the fee for this petition to the deposit

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account of the below signed, account number 23-0920. Further if any other petition or other paper is required in this response, Applicant requests that this document be considered such petition and the fee therefore be charged to the above noted deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel M. Gurfinkel', written in a cursive style.

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